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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/748,469	12/30/2003	John C. Montagna	7719-108	7063
54380	7590	09/20/2005		
FLASTER/GREENBERG P.C. 1810 CHAPEL AVENUE WEST CHERRY HILL, NJ. 08002			EXAMINER ROSSI, JESSICA	
			ART UNIT 1733	PAPER NUMBER
DATE MAILED: 09/20/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/748,469

Applicant(s)

MONTAGNA ET AL.

Examiner

Jessica L. Rossi

Art Unit

1733

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Amendment, 8/30/05.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 6/9/05.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. This action is in response to the amendment dated 8/30/05. Claims 15-19 were cancelled. Claims 1-14 are pending.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-2, 5-10 and 13-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Gupta et al. (US 6739673).

With respect to claim 1, Gupta teaches making a composite panel comprising forming a first panel 14/14' having a peripheral lip and a plurality of raised projections 42/42' (also referred to as reinforcements 20) defining coplanar surfaces, forming a second panel 16/16' having a substantially planar surface and a peripheral lip, applying an adhesive 18/18' to at least the coplanar surfaces of the first panel, and securing the second panel to the first panel with the peripheral lips in substantial proximity (abstract; Figures 2-2A; column 3, lines 23-25; column 4, lines 30-35 and 63-65; column 5, lines 65-67; column 6, lines 1 and 12-15 and 31-32; column 7, lines 21-26; column 8, lines 14-16).

Regarding claim 2, the reference teaches the raised projections having any of a variety of configurations, including convolutions (Figures 3C-3D and 3F; column 8, lines 52-67).

Regarding claim 5, the reference teaches elongate projections 48 having a height less than projections 42 (Figure 2).

Regarding claim 6, the reference teaches also applying adhesive 18/18' to the peripheral lip of the first panel (Figures 2 and 2A).

Regarding claim 7, the reference teaches the first and second panels being formed of a thermoformable material (column 3, lines 30-33 and 53 and 65-66).

Regarding claim 8, all the limitations were addressed with respect to claim 1.

Regarding claims 9-10 and 13-14, all the limitations were addressed above with respect to claims 2 and 5-7.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 3-4 and 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gupta et al. as applied to claims 1 and 8 above.

Regarding claims 3-4, one reading Gupta as a whole would have appreciated that the reference is not limited to a particular design, shape, pattern, etc. for the projections and in fact states that just about any design, shape, pattern, etc. can be used (Figures 3A-3H; column 8, lines 52-67; column 9, lines 2-7 and 37-46). Therefore, selection of a particular design, shape, pattern, etc. for the projections would have been within purview of the skilled artisan with Applicant's claimed shapes and patterns being well within the skill of the artisan.

Art Unit: 1733

Regarding claims 11-12, all the limitations were addressed with respect to claims 3-4.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Jessica L. Rossi** whose telephone number is **571-272-1223**. The examiner can normally be reached on M-F (8:00-5:30) First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom G. Dunn can be reached on 571-272-1171. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jessica L. Rossi

Jessica L. Rossi
Primary Examiner
Art Unit 1733